

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

TROY E. ROGERS

PLAINTIFF

v.

CIVIL ACTION NO. 3:18-CV-92-RP

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

Plaintiff Troy E. Rogers filed suit under 42 U.S.C. § 1383(c) for judicial review of the unfavorable decision of the Commissioner of Social Security regarding an application for supplemental security income and/or disability insurance benefits. Docket 1. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provision of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. Docket 19. The Court, having considered the record, the administrative transcript, the briefs of the parties, the oral arguments of counsel and the applicable law, and as explained further from the bench at the conclusion of the hearing hereon, finds as follows:

The Commissioner's decision is reversed for the ALJ's failure to consider relevant medical evidence in the record, specifically the December 13, 2016 CT scan of Plaintiff's cervical spine indicating "severe multilevel cervical spondylosis from C4 through C7 levels." Docket 8 at 463. While an ALJ is not required to discuss every piece of evidence in evaluating a disability claim, he may not ignore probative evidence. *Loza v. Apfel*, 219 F.2d 378, 393 (5th Cir. 2000); *see also Audler v. Astrue*, 501 F.3d 446, 448 (5th Cir. 2007)). The December 13, 2016 CT scan is objective medical evidence bearing on the credibility of Plaintiff's subjective complaints. Proper consideration of this evidence could have impacted the ALJ's finding regarding Plaintiff's residual functional capacity. Therefore, the Commissioner's decision is reversed and

remanded with instructions to the ALJ to reevaluate Plaintiff's residual functional capacity and then make step four and step five determinations accordingly.

SO ORDERED AND ADJUDGED, this the 13th day of February, 2019.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE